

REMARKS

This Request for Reconsideration (hereafter “Request”) is fully responsive to the final Office Action dated August 18, 2009, issued in connection with the above-identified application. Claims 22, 23, 26 and 31-38 are pending in the present application. No claims have been amended and no new matter has been introduced by this Request.

In the Office Action, claims 22, 23, 26 and 31-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tatebayashi et al. (U.S. Publication No. 2008/0263367, hereafter “Tatebayashi”) in view of Mathis (U.S. Publication No. 2001/0037438).

Independent claim 22 recites a group judgment device that is connected to a network and that shares common private information with a target device connected to the group judgment device via the network. The group judgment device is operable to convert the common private information into first conversion information according to predetermined conversion, to transmit first data to the target device, and to receive, from the target device, second data including second conversion information in response to the first data. The target device converts the common private information into the second conversion information according to the same conversion as the predetermined conversion, and transmits to the group judgment device the second data including the second conversion information.

The group judgment device is also operable to measure, as a target time, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit. The group judgment device is further operable to (i) compare the target time measured by the measurement unit with a reference time, the reference time being a time required between (a) transmission of the first data to a device belonging to a predetermined group and (b) reception of the second data from the device belonging to the predetermined group, and (ii) compare the first conversion information generated by the conversion unit and the second conversion information included in the second data received by the transmission/reception unit. Then, the group judgment device judges that the target device belongs to the predetermined group when (i) a difference between the target time and the reference time is within a predetermined range and (ii) the first conversion information matches the second conversion information.

The features noted above in independent claim 22 are similarly recited in independent claims 23, 26 and 38. Independent claim 23 recites a related group judgment device,

independent claim 26 recites a related system, and independent claim 38 recites a related method. Independent claims 23, 26 and 38 are directed respectively to a device, system and method; and each claim recites features that correspond to the above features of independent claim 22 (e.g., the arrangement of the group judgment device and the target device, and the operation of the judgment unit of the group judgment device). Additionally, the features noted above in independent claim 22 (and similarly recited in independent claims 23, 26 and 38) are fully supported by the Applicants' disclosure.

In the Office Action, the Examiner relies on Tatebayashi in view of Mathis for disclosing or suggesting all the features recited in independent claims 22, 23, 26 and 38.

The Applicants hereby request the removal of Tatebayashi as prior art under 35 U.S.C. 103(c). Under 35 U.S.C. 103(c) "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." (Emphasis added).

The Applicants assert that Tatebayashi qualifies as prior art under 35 U.S.C. 102(e) because the reference was filed by another before the filing date of the present application, and Tatebayashi was used in a rejection under 35 U.S.C. 103(a). Additionally, the claimed subject matter of the present application and the subject matter of the Tatebayashi were, at the time of the claimed invention was made, owned by or subject to obligation of assignment to Matsushita Electric Industrial Co., LTD (now Panasonic Corporation). Accordingly, Tatebayashi can be removed as prior art under 35 U.S.C. 103(c).

Given the removal of Tatebayashi as prior art, the rejection under 35 U.S.C. 103(a) cannot be maintained since Mathis would not result in, or otherwise render obvious, all the features (noted above) in at least independent claims 22, 23, 26 and 38.

Based on the above discussion, independent claims 22, 23, 26 and 38 are clearly distinguished from the cited prior art. Likewise, claims 31-37 are not anticipated or rendered obvious by remaining cited prior art of record at least by virtue of their respective dependencies (directly or indirectly) from independent claims 22, 23 and 26.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. If any points remain in issue which the Examiner feels may best be resolved by an interview, the Examiner is kindly requested to contact the undersigned by telephone.

Respectfully submitted,

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